

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Drouillard Island, LLC
50645 Gallatin Rd
Gallatin Gateway, MT 59730-9651

2. Type of action: Application to Change an Existing Irrigation Water Right No. 41G 30110096. The Applicant proposes to add an additional point of diversion to water right 41G 95745-00. In addition, the applicant is proposing to change the place of use to fill in acreage not historically irrigated that now falls within the proposed irrigation system.
3. Water source name: Jefferson River
4. Location affected by project: SESENW of Section 27, T02 N, R01 E, Broadwater County.

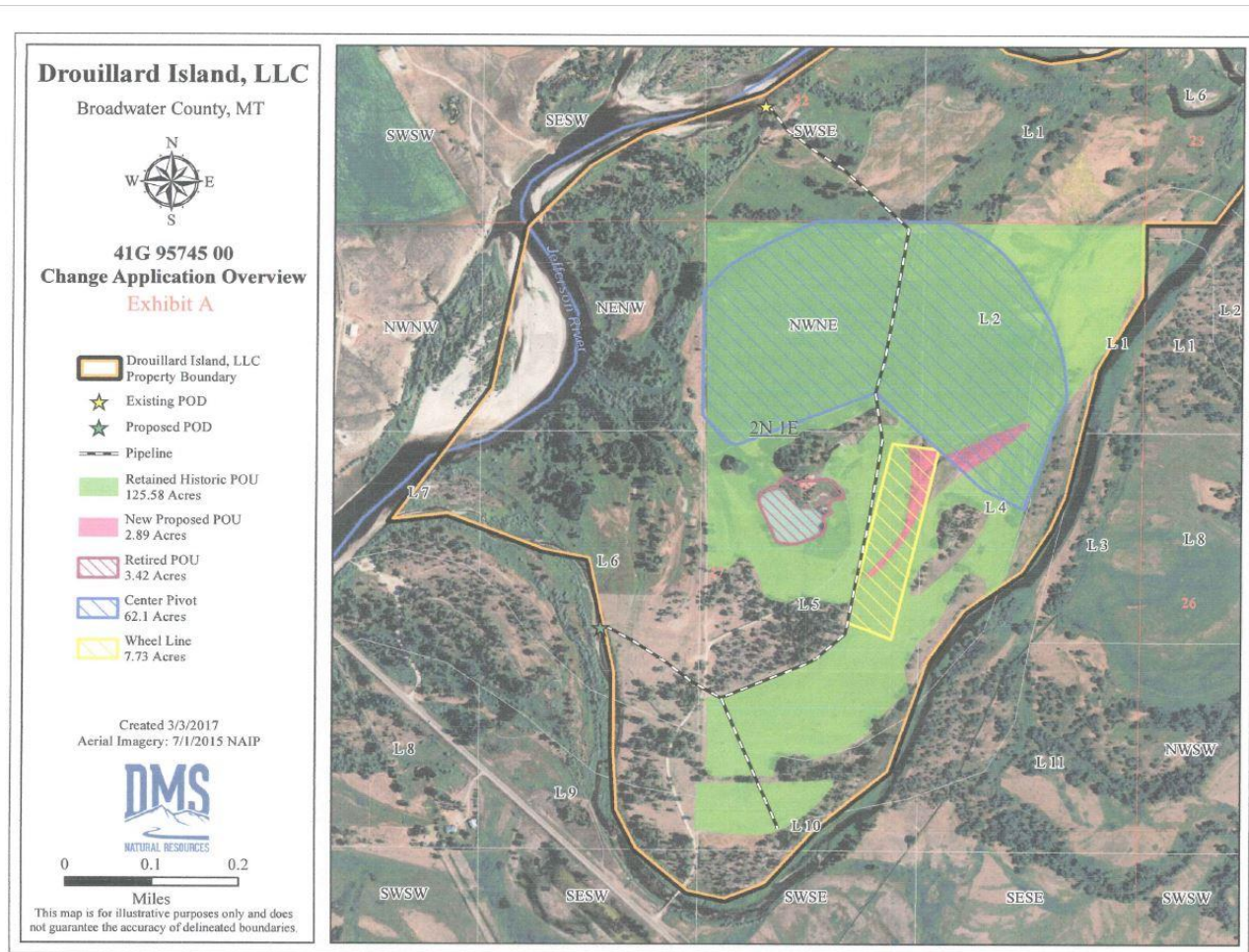


Figure 1. Map of Project Location

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to add an additional point of diversion to water right 41G 95745-00. The additional point of diversion requested is the original point of diversion for this Statement of Claim located in the SESENE of Section 27, T02 N, R01 E, Gallatin County. The Applicant is also requesting the addition of 2.89 acres of irrigation that fall outside of the historic place of use for this right. To offset this change in irrigated acreage, the applicant proposes to retire 3.42 acres from irrigation. The proposed changes to the place of use will result in an irrigated area of 128.47 acres.
6. Agencies consulted during preparation of the Environmental Assessment:
 - Montana Department of Fish, Wildlife & Parks (FWP) – Montana Fisheries Information System (MFISH)
 - <http://fwp.mt.gov/fishing/mFish/>
 - Montana Department of Environmental Quality (DEQ) – Clean Water Act Information Center (CWAIC)
 - <http://deq.mt.gov/wqinfo/CWAIC/default.mcp>
 - Montana National Heritage Program (MTNHP) – Species of Concern:
 - <http://mtnhp.org/SpeciesOfConcern>

- U.S. Fish & Wildlife Service (USFWS) – National Wetlands Inventory Wetlands Mapper
 - <http://www.fws.gov/wetlands/Data/Mapper.html>
- Natural Resource Conservation Service (NRCS) – Web Soil Survey (WSS)
 - <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

Part II. Environmental Review

1. Environmental Impact Checklist:

<h3>PHYSICAL ENVIRONMENT</h3>

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No significant impact identified.

As determined by a search of MFISH conducted on January 8, 2018, The Jefferson River is listed as chronically dewatered. This change will not significantly impact conditions because there will be no expansion of the historic use of water.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: No significant impact identified.

According to a search of the DEQ CWAIC website conducted on January 8, 2018, the Jefferson River is listed as not fully supporting aquatic life due to impacts from mining and increased sedimentation and water temperature resulting from modifications to the river channel. The change will not significantly impact conditions because there will be no expansion of the historically diverted volume.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No significant impact identified.

The rights being changed is from surface water. The use of water under this change will not have any significant impact on groundwater quality or supply.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: No significant impact identified.

Water will be diverted through an existing diversion system consisting of two pumps placed in the Jefferson River and pipelines that convey water to the place of use. The operation of this diversion system will not significantly impact the stream channel or the diversion of water by other users.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”*

Determination: No significant impact identified.

The Montana National Heritage Program’s website was queried on January 8, 2018. Results are summarized below:

- Animal Species of Concern – five (5): Pinyon Jay, Clark’s Nutcracker, Sage Thrasher, Plains Spadefoot, Subterranean Amphipod
- Animal Potential Species of Concern – None
- Animal Special Status Species – one (1): Bald Eagle
- Plant Species of Concern – three (3): Annual Indian Paintbrush, Beaked Spikerush, Ute ladies’-tresses
- Plant Potential Species of Concern – None
- Plant Special Status Species – None

This change is only proposing to add a point of diversion and slightly modify the place of use. There will be no expansion of the historically diverted volume. This change will not significantly impact any of these species of concern, potential species of concern, or special status species.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: Not applicable.

According to a January 8, 2018, search of the USFWS Wetlands Mapper, there are no wetlands in the project area.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: Not applicable.

There are no ponds involved in this project.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No significant impact identified.

Changing the point of diversion and place of use with no increase in water use should not affect soil characteristics significantly. Water is piped to the place of use, so there will not be any soil disturbance from ditch maintenance. A January 8, 2018, search of the NRCS WSS site did not identify any saline seeps in the area.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No significant impact identified.

A small area may be disturbed during routine use and maintenance of the irrigation system, but this should have no significant impact on the surrounding area's vegetative cover and neither should it allow for the establishment of noxious weeds. Under Montana law, owners are responsible for noxious weed control on their property.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impact.

This project will not impact air quality.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: Not applicable.

The project is not located on State or Federal Lands. Furthermore, the Applicant made no mention of significant historical or archeological sites on the property.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No significant impact identified.

The pumps located at the points of diversion will require a small amount of electricity; however, this demand will not create any significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No significant impact.

The water rights involved in this change are located within a basin closed to new appropriations of water, so this change shall not allow any expansion of historic use without mitigation measures. The Applicant plans to add a point of diversion and historically irrigated acreage will be retired to offset the consumptive use of the new proposed acres. There will be no expansion of historically diverted flow rate and volume which will not create any significant impacts.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No impact identified.

This change is located on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact identified.

Adding a point of diversion to and changing the place of use of this Statement of Claim will not impact human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes ___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact identified.

The project does not impact government regulations on private property rights.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) Cultural uniqueness and diversity? No impacts identified.

(b) Local and state tax base and tax revenues? No impacts identified.

- (c) Existing land uses? No impacts identified.
- (d) Quantity and distribution of employment? No impacts identified.
- (e) Distribution and density of population and housing? No impacts identified.
- (f) Demands for government services? No impacts identified.
- (g) Industrial and commercial activity? No impacts identified.
- (h) Utilities? No significant impacts identified.
- (i) Transportation? No impacts identified.
- (j) Safety? No impacts identified.
- (k) Other appropriate social and economic circumstances? No impacts identified.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

- 3. *Describe any mitigation/stipulation measures:*** This change will not allow for any expansion of the historically diverted flow rate and volume. Additionally, DFWP has an instream flow protection right that covers this stretch of the river.
- 4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The “no action” alternative would be to continue irrigating the place of use from the existing point of diversion. This would not allow the Applicant to have redundancy in their irrigation system. This would also not allow the Applicant to lessen direct diversion from the Jefferson River by using the point of diversion located in a side channel of the river when water is available.

PART III. Conclusion

- 1. *Preferred Alternative:*** The preferred alternative is to grant the change application if Applicant has proven the criteria of 85-2-402, MCA.

- 2. *Comments and Responses:*** None at this time.

- 3. *Finding:***
Yes ☐ No ☒ *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

Name of person(s) responsible for preparation of EA:

Name: Brant Lumpkin
Title: Water Resource Specialist
Date: 1/8/2018